

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

DUNCAN FAMILY TRUST,

Plaintiff,

v.

CHESAPEAKE EXPLORATION, LLC,  
and JEFF SCOGGINS,

Defendants.

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CASE NO. 4:08cv325

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On November 21, 2008, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff Duncan Family Trust's Motion to Remand for lack of subject matter jurisdiction (Dkt. 10) be GRANTED.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. Therefore, Plaintiff's Motion to Remand for lack of subject matter jurisdiction (Dkt. 10) is GRANTED and the case is remanded to the 393<sup>rd</sup> Judicial District Court of Denton County, Texas.

**IT IS SO ORDERED.**

**SIGNED this 17th day of December, 2008.**



MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE